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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,056	10/22/2003	Frantz Germain	0267-1952(B)	7242
31108	7590	11/17/2004	EXAMINER	
PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ. GREENBERG TRAURIG, LLP 200 PARK AVENUE NEW YORK, NY 10166			DONOVAN, LINCOLN D	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,056

Applicant(s)

GERMAIN ET AL.

Examiner

Lincoln Donovan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 8 and 11 are objected to because of the following informalities: "a third electrical conductors" should be either "third electrical conductors" or "a third electrical conductor." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 12-18, applicant should clarify the engagement between the latch and the lifter. The structural connection between the plunger and the circular opening of the latch is not clear. In lines 20-27, the cooperation between the reset pin the opening of the latch and plunger is not clear.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keung et al. [US 5,933,063].

Regarding claims 1-3, 7 and 8-12, Keung et al. discloses a ground fault circuit interrupting device [figure 1] comprising:

- a housing [10, 12];
- a pair of line terminals [26] disposed at least partially within the housing and capable of being electrically connected to a source of electricity [column 5, lines 20-28];
- a pair of load terminals [27] disposed at least partially within the housing and capable of conducting electrical current to a load when electrically connected to the line terminals [column 6, lines 12-28];
- a circuit interrupting portion [figure 3b] disposed within the housing having a coil [50], a movable plunger assembly [54], a biased mechanical switch assembly [30, 70, 74], a latch [60'], a lifter assembly [62] engaged with the latch [figures 5a-b] via an opening therein and positioned to engage the mechanical switch for engaging a sensing circuit used to detect a predetermined condition and the lifter also positioned to engage the pair of electrical conductors for connecting the line terminals to the load terminals [column 5, line 37-column 6, line 28]; and
- a reset portion comprising a mechanically biased reset button [80] attached to a reset pin [78] having a circular flange [figure 5a-5b] extending from its end portion positioned to engage with the latch when the opening of the latch is not aligned with a circular opening of the lifter and the flange and end portion extend through the opening of the latch and an opening of the lifter [figure 3a] when the latch plate is engaged by the movable plunger aligning the opening of the latch with the opening of the lifter and a recoil action by the latch causing a misalignment of the openings trapping the end

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portion and flange underneath the latch allowing the biasing of the reset pin and reset button to cause the flange to engage the lifter which engages the movable bridges causing the line terminals to be electrically connected to the load terminals [figures 5a-5b, column 5, line 28-column 6, line 28].

Keung et al. disclose everything claimed except the specific connection between the lifter, plunger and pin and a trip portion cooperating with the latch.

Zhou discloses a trip portion on a ground fault circuit interrupter cooperating with the latch [80] and lifter [42].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lifter/latch/trip portion design of Zhou in Keung et al. for the purpose of ensuring proper trip operation in a fault condition.

Regarding claims 4-6, Keung et al. further shows user accessible face terminals [figure 2].

### ***Conclusion***

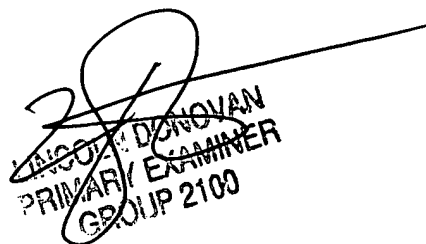
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Idd

  
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PRIMARY EXAMINER  
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